

1 AN ACT in relation to sex offenders.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Sex Offender Management Board Act is
5 amended by changing Sections 10 and 15 and adding Sections
6 16, 17, and 18 as follows:

7 (20 ILCS 4026/10)

8 Sec. 10. Definitions. In this Act, unless the context
9 otherwise requires:

10 (a) "Board" means the Sex Offender Management Board
11 created in Section 15.

12 (b) "Sex offender" means any person who is convicted or
13 found delinquent in the State of Illinois, or under any
14 substantially similar federal law or law of another state, of
15 any sex offense or attempt of a sex offense as defined in
16 subsection (c) of this Section, or any former statute of this
17 State that defined a felony sex offense, or who has been
18 certified as a sexually dangerous person under the Sexually
19 Dangerous Persons Act or declared a sexually violent person
20 under the Sexually Violent Persons Commitment Act, or any
21 substantially similar federal law or law of another state.

22 (c) "Sex offense" means any felony or misdemeanor
23 offense described in this subsection (c) as follows:

24 (1) Indecent solicitation of a child, in violation
25 of Section 11-6 of the Criminal Code of 1961;

26 (2) Indecent solicitation of an adult, in violation
27 of Section 11-6.5 of the Criminal Code of 1961;

28 (3) Public indecency, in violation of Section 11-9
29 of the Criminal Code of 1961;

30 (4) Sexual exploitation of a child, in violation of
31 Section 11-9.1 of the Criminal Code of 1961;

1 (5) Sexual relations within families, in violation
2 of Section 11-11 of the Criminal Code of 1961;

3 (6) Soliciting for a juvenile prostitute, in
4 violation of Section 11-15.1 of the Criminal Code of
5 1961;

6 (7) Keeping a place of juvenile prostitution, in
7 violation of Section 11-17.1 of the Criminal Code of
8 1961;

9 (8) Patronizing a juvenile prostitute, in violation
10 of Section 11-18.1 of the Criminal Code of 1961;

11 (9) Juvenile pimping, in violation of Section
12 11-19.1 of the Criminal Code of 1961;

13 (10) Exploitation of a child, in violation of
14 Section 11-19.2 of the Criminal Code of 1961;

15 (11) Child pornography, in violation of Section
16 11-20.1 of the Criminal Code of 1961;

17 (12) Harmful material, in violation of Section
18 11-21 of the Criminal Code of 1961;

19 (13) Criminal sexual assault, in violation of
20 Section 12-13 of the Criminal Code of 1961;

21 (14) Aggravated criminal sexual assault, in
22 violation of Section 12-14 of the Criminal Code of 1961;

23 (15) Predatory criminal sexual assault of a child,
24 in violation of Section 12-14.1 of the Criminal Code of
25 1961;

26 (16) Criminal sexual abuse, in violation of Section
27 12-15 of the Criminal Code of 1961;

28 (17) Aggravated criminal sexual abuse, in violation
29 of Section 12-16 of the Criminal Code of 1961;

30 (18) Ritualized abuse of a child, in violation of
31 Section 12-33 of the Criminal Code of 1961;

32 (19) An attempt to commit any of the offenses
33 enumerated in this subsection (c); or-

34 (20) Any felony offense under Illinois law that is

1 sexually motivated.

2 (d) "Management" means counseling, monitoring, and
3 supervision of any sex offender that conforms to the
4 standards created by the Board under Section 15.

5 (e) "Sexually motivated" means one or more of the facts
6 of the underlying offense indicates conduct that is of a
7 sexual nature or that shows an intent to engage in behavior
8 of a sexual nature.

9 (Source: P.A. 90-133, eff. 7-22-97; 90-793, eff. 8-14-98.)

10 (20 ILCS 4026/15)

11 Sec. 15. Sex Offender Management Board; creation;
12 duties.

13 (a) There is created the Sex Offender Management Board,
14 which shall consist of 24 20 members. The membership of the
15 Board shall consist of the following persons:

16 (1) Two members appointed by the Governor
17 representing the judiciary, one representing juvenile
18 court matters and one representing adult criminal court
19 matters;

20 (2) One member appointed by the Governor
21 representing Probation Services;

22 (3) One member appointed by the Governor
23 representing the Department of Corrections;

24 (4) One member appointed by the Governor
25 representing the Department of Human Services;

26 (5) One member appointed by the Governor
27 representing the Illinois State Police;

28 (6) One member appointed by the Governor
29 representing the Department of Children and Family
30 Services;

31 (7) One member appointed by the Attorney General
32 representing the Office of the Attorney General;

33 (8) Two members appointed by the Attorney General

1 who are licensed mental health professionals with
2 documented expertise in the treatment of sex offenders;

3 (9) Two members appointed by the Attorney General
4 who are State's Attorneys or assistant State's Attorneys,
5 one representing juvenile court matters and one
6 representing felony court matters;

7 (10) One member being the Cook County State's
8 Attorney or his or her designee;

9 (11) One member being the Director of the State's
10 Attorneys Appellate Prosecutor or his or her designee;

11 (12) One member being the Cook County Public
12 Defender or his or her designee;

13 (13) Two members appointed by the Governor who are
14 representatives of law enforcement, one juvenile officer
15 and one sex crime investigator;

16 (14) Two members appointed by the Attorney General
17 who are recognized experts in the field of sexual assault
18 and who can represent sexual assault victims and victims'
19 rights organizations; and

20 (15) One member being the State Appellate Defender
21 or his or her designee;

22 (16) One member being the President of the Illinois
23 Polygraph Society or his or her designee;

24 (17) One member being the Executive Director of the
25 Criminal Justice Information Authority or his or her
26 designee;

27 (18) One member being the President of the Illinois
28 Chapter of the Association for the Treatment of Sexual
29 Abusers or his or her designee; and

30 (19) One member representing the Illinois Principal
31 Association.

32 (b) The Governor and the Attorney General shall appoint
33 a presiding officer for the Board from among the board
34 members appointed under subsection (a) of this Section, which

1 presiding officer shall serve at the pleasure of the Governor
2 and the Attorney General.

3 (c) Each member of the Board shall demonstrate
4 substantial expertise and experience in the field of sexual
5 assault.

6 (d) (1) Any member of the Board created in subsection
7 (a) of this Section who is appointed under paragraphs (1)
8 through (7) of subsection (a) of this Section shall serve at
9 the pleasure of the official who appointed that member, for a
10 term of 5 years and may be reappointed. The members shall
11 serve without additional compensation.

12 (2) Any member of the Board created in subsection (a) of
13 this Section who is appointed under paragraphs (8) through
14 (14) of subsection (a) of this Section shall serve for a term
15 of 5 years and may be reappointed. The members shall serve
16 without compensation.

17 (3) The travel costs associated with membership on the
18 Board created in subsection (a) of this Section will be
19 reimbursed subject to availability of funds.

20 (e) The first meeting of this Board shall be held within
21 45 days of the effective date of this Act.

22 (f) The Board shall carry out the following duties:

23 (1) Not later than December 31, 2001, the Board
24 shall develop and prescribe separate standardized
25 procedures for the evaluation and identification of the
26 offender and recommend behavior management, monitoring,
27 and treatment eounseling based upon the knowledge that
28 sex offenders are extremely habituated and that there is
29 no known cure for the propensity to commit sex abuse.
30 The Board shall develop and implement measures of success
31 based upon a no-cure policy for intervention. The Board
32 shall develop and implement methods of intervention for
33 sex offenders which have as a priority the physical and
34 psychological safety of victims and potential victims and

1 which are appropriate to the needs of the particular
2 offender, so long as there is no reduction of the safety
3 of victims and potential victims.

4 (2) Not later than December 31, 2001, the Board
5 shall develop separate guidelines and standards for a
6 system of programs for the evaluation and treatment
7 counseling of both juvenile and adult sex offenders which
8 shall ~~can~~ be utilized by offenders who are placed on
9 probation, committed to the Department of Corrections or
10 Department of Human Services, or placed on mandatory
11 supervised release or parole. The programs developed
12 under this paragraph (f) shall be as flexible as possible
13 so that the programs may be utilized by each offender to
14 prevent the offender from harming victims and potential
15 victims. The programs shall be structured in such a
16 manner that the programs provide a continuing monitoring
17 process as well as a continuum of counseling programs for
18 each offender as that offender proceeds through the
19 justice system. Also, the programs shall be developed in
20 such a manner that, to the extent possible, the programs
21 may be accessed by all offenders in the justice system.

22 (3) There is established the Sex Offender
23 Management Board Fund in the State Treasury into which
24 funds received from public or private sources shall be
25 deposited, and from which funds shall be appropriated to
26 the Sex Offender Management Board for planning and
27 research.

28 (4) The Board shall develop and prescribe a plan to
29 research and analyze the effectiveness of the evaluation,
30 identification, and counseling procedures and programs
31 developed under this Act. The Board shall also develop
32 and prescribe a system for implementation of the
33 guidelines and standards developed under paragraph (2) of
34 this subsection (f) and for tracking offenders who have

1 been subjected to evaluation, identification, and
 2 treatment eounseling under this Act. In addition, the
 3 Board shall develop a system for monitoring offender
 4 behaviors and offender adherence to prescribed behavioral
 5 changes. The results of the tracking and behavioral
 6 monitoring shall be a part of any analysis made under
 7 this paragraph (4).

8 (g) The Board may promulgate rules as are necessary to
 9 carry out the duties of the Board.

10 (h) The Board and the individual members of the Board
 11 shall be immune from any liability, whether civil or
 12 criminal, for the good faith performance of the duties of the
 13 Board as specified in this Section.

14 (Source: P.A. 90-133, eff. 7-22-97; 90-793, eff. 8-14-98;
 15 91-235, eff. 7-22-99; 91-798, eff. 7-9-00.)

16 (20 ILCS 4026/16 new)

17 Sec. 16. Sex offender evaluation and identification
 18 required.

19 (a) Beginning on the effective date of this amendatory
 20 Act of the 93rd General Assembly, each sex offender who is to
 21 be considered for probation shall be required as part of the
 22 pre-sentence or social investigation to submit to an
 23 evaluation for treatment, an evaluation for risk, and
 24 procedures for monitoring of behavior to protect victims and
 25 potential victims developed pursuant to item (1) of
 26 subsection (f) of Section 15 of this Act.

27 (b) The evaluation required by subsection (a) of this
 28 Section shall be by an evaluator approved by the Sex Offender
 29 Management Board and shall be at the expense of the person
 30 evaluated, based upon that person's ability to pay for such
 31 treatment.

32 (20 ILCS 4026/17 new)

1 Sec. 17. Sentencing of sex offenders; treatment based
2 upon evaluation and identification required.

3 (a) Each sex offender sentenced by the court for a sex
4 offense shall be required as a part of any sentence to
5 probation, conditional release, or periodic imprisonment to
6 undergo treatment based upon the recommendations of the
7 evaluation made pursuant to Section 16 or based upon any
8 subsequent recommendations by the Administrative Office of
9 the Illinois Courts or the county probation department,
10 whichever is appropriate. Any such treatment and monitoring
11 shall be at a facility or with a person approved by the Board
12 and at such offender's own expense based upon the offender's
13 ability to pay for such treatment.

14 (b) Beginning on the effective date of this amendatory
15 Act of the 93rd General Assembly, each sex offender placed on
16 parole or mandatory supervised release by the Prisoner Review
17 Board shall be required as a condition of parole to undergo
18 treatment based upon any evaluation or subsequent
19 reevaluation regarding such offender during the offender's
20 incarceration or any period of parole. Any such treatment
21 shall be by an individual approved by the Board and at the
22 offender's expense based upon the offender's ability to pay
23 for such treatment.

24 (20 ILCS 4026/18 new)

25 Sec. 18. Sex offender treatment contracts with
26 providers. The county probation department or the Department
27 of Human Services shall not employ or contract with and shall
28 not allow a sex offender to employ or contract with any
29 individual or entity to provide sex offender evaluation or
30 treatment services pursuant to this Act unless the sex
31 offender evaluation or treatment services provided are by an
32 individual approved by the Board pursuant to item (2) of
33 subsection (f) of Section 15 of this Act.

1 Section 10. The Juvenile Court Act of 1987 is amended by
2 changing Sections 5-701 and 5-715 as follows:

3 (705 ILCS 405/5-701)

4 Sec. 5-701. Social investigation report. Upon the order
5 of the court, a social investigation report shall be prepared
6 and delivered to the parties at least 3 days prior to the
7 sentencing hearing. The written report of social
8 investigation shall include an investigation and report of
9 the minor's physical and mental history and condition, family
10 situation and background, economic status, education,
11 occupation, personal habits, minor's history of delinquency
12 or criminality or other matters which have been brought to
13 the attention of the juvenile court, information about
14 special resources known to the person preparing the report
15 which might be available to assist in the minor's
16 rehabilitation, and any other matters which may be helpful to
17 the court or which the court directs to be included.

18 Any minor found to be guilty of a sex offense as defined
19 by the Sex Offender Management Board Act shall be required as
20 part of the social investigation to submit to a sex offender
21 evaluation. The evaluation shall be performed in conformance
22 with the standards developed under the Sex Offender
23 Management Board Act and by an evaluator approved by the
24 Board.

25 (Source: P.A. 90-590, eff. 1-1-99.)

26 (705 ILCS 405/5-715)

27 Sec. 5-715. Probation.

28 (1) The period of probation or conditional discharge
29 shall not exceed 5 years or until the minor has attained the
30 age of 21 years, whichever is less, except as provided in
31 this Section for a minor who is found to be guilty for an
32 offense which is first degree murder, a Class X felony or a

1 forcible felony. The juvenile court may terminate probation
2 or conditional discharge and discharge the minor at any time
3 if warranted by the conduct of the minor and the ends of
4 justice; provided, however, that the period of probation for
5 a minor who is found to be guilty for an offense which is
6 first degree murder, a Class X felony, or a forcible felony
7 shall be at least 5 years.

8 (2) The court may as a condition of probation or of
9 conditional discharge require that the minor:

10 (a) not violate any criminal statute of any
11 jurisdiction;

12 (b) make a report to and appear in person before
13 any person or agency as directed by the court;

14 (c) work or pursue a course of study or vocational
15 training;

16 (d) undergo medical or psychiatric treatment,
17 rendered by a psychiatrist or psychological treatment
18 rendered by a clinical psychologist or social work
19 services rendered by a clinical social worker, or
20 treatment for drug addiction or alcoholism;

21 (e) attend or reside in a facility established for
22 the instruction or residence of persons on probation;

23 (f) support his or her dependents, if any;

24 (g) refrain from possessing a firearm or other
25 dangerous weapon, or an automobile;

26 (h) permit the probation officer to visit him or
27 her at his or her home or elsewhere;

28 (i) reside with his or her parents or in a foster
29 home;

30 (j) attend school;

31 (j-5) with the consent of the superintendent of the
32 facility, attend an educational program at a facility
33 other than the school in which the offense was committed
34 if he or she committed a crime of violence as defined in

1 Section 2 of the Crime Victims Compensation Act in a
2 school, on the real property comprising a school, or
3 within 1,000 feet of the real property comprising a
4 school;

5 (k) attend a non-residential program for youth;

6 (l) make restitution under the terms of subsection
7 (4) of Section 5-710;

8 (m) contribute to his or her own support at home or
9 in a foster home;

10 (n) perform some reasonable public or community
11 service;

12 (o) participate with community corrections programs
13 including unified delinquency intervention services
14 administered by the Department of Human Services subject
15 to Section 5 of the Children and Family Services Act;

16 (p) pay costs;

17 (q) serve a term of home confinement. In addition
18 to any other applicable condition of probation or
19 conditional discharge, the conditions of home confinement
20 shall be that the minor:

21 (i) remain within the interior premises of the
22 place designated for his or her confinement during
23 the hours designated by the court;

24 (ii) admit any person or agent designated by
25 the court into the minor's place of confinement at
26 any time for purposes of verifying the minor's
27 compliance with the conditions of his or her
28 confinement; and

29 (iii) use an approved electronic monitoring
30 device if ordered by the court subject to Article 8A
31 of Chapter V of the Unified Code of Corrections;

32 (r) refrain from entering into a designated
33 geographic area except upon terms as the court finds
34 appropriate. The terms may include consideration of the

1 purpose of the entry, the time of day, other persons
2 accompanying the minor, and advance approval by a
3 probation officer, if the minor has been placed on
4 probation, or advance approval by the court, if the minor
5 has been placed on conditional discharge;

6 (s) refrain from having any contact, directly or
7 indirectly, with certain specified persons or particular
8 types of persons, including but not limited to members of
9 street gangs and drug users or dealers;

10 (s-5) undergo a medical or other procedure to have
11 a tattoo symbolizing allegiance to a street gang removed
12 from his or her body;

13 (t) refrain from having in his or her body the
14 presence of any illicit drug prohibited by the Cannabis
15 Control Act or the Illinois Controlled Substances Act,
16 unless prescribed by a physician, and shall submit
17 samples of his or her blood or urine or both for tests to
18 determine the presence of any illicit drug; or

19 (u) comply with other conditions as may be ordered
20 by the court.

21 (3) The court may as a condition of probation or of
22 conditional discharge require that a minor found guilty on
23 any alcohol, cannabis, or controlled substance violation,
24 refrain from acquiring a driver's license during the period
25 of probation or conditional discharge. If the minor is in
26 possession of a permit or license, the court may require that
27 the minor refrain from driving or operating any motor vehicle
28 during the period of probation or conditional discharge,
29 except as may be necessary in the course of the minor's
30 lawful employment.

31 (3.5) The court shall, as a condition of probation or of
32 conditional discharge, require that a minor found to be
33 guilty and placed on probation for reasons that include a
34 violation of Section 3.02 or Section 3.03 of the Humane Care

1 for Animals Act or paragraph (d) of subsection (1) of Section
2 21-1 of the Criminal Code of 1961 undergo medical or
3 psychiatric treatment rendered by a psychiatrist or
4 psychological treatment rendered by a clinical psychologist.
5 The condition may be in addition to any other condition.

6 (3.10) The court shall order that a minor placed on
7 probation or conditional discharge for a sex offense as
8 defined in the Sex Offender Management Board Act undergo and
9 successfully complete sex offender treatment. The treatment
10 shall be in conformance with the standards developed under
11 the Sex Offender Management Board Act and conducted by a
12 treatment provider approved by the Board. The treatment
13 shall be at the expense of the person evaluated based upon
14 that person's ability to pay for the treatment.

15 (4) A minor on probation or conditional discharge shall
16 be given a certificate setting forth the conditions upon
17 which he or she is being released.

18 (5) The court shall impose upon a minor placed on
19 probation or conditional discharge, as a condition of the
20 probation or conditional discharge, a fee of \$25 for each
21 month of probation or conditional discharge supervision
22 ordered by the court, unless after determining the inability
23 of the minor placed on probation or conditional discharge to
24 pay the fee, the court assesses a lesser amount. The court
25 may not impose the fee on a minor who is made a ward of the
26 State under this Act while the minor is in placement. The
27 fee shall be imposed only upon a minor who is actively
28 supervised by the probation and court services department.
29 The court may order the parent, guardian, or legal custodian
30 of the minor to pay some or all of the fee on the minor's
31 behalf.

32 (6) The General Assembly finds that in order to protect
33 the public, the juvenile justice system must compel
34 compliance with the conditions of probation by responding to

1 violations with swift, certain, and fair punishments and
2 intermediate sanctions. The Chief Judge of each circuit
3 shall adopt a system of structured, intermediate sanctions
4 for violations of the terms and conditions of a sentence of
5 supervision, probation or conditional discharge, under this
6 Act.

7 The court shall provide as a condition of a disposition
8 of probation, conditional discharge, or supervision, that the
9 probation agency may invoke any sanction from the list of
10 intermediate sanctions adopted by the chief judge of the
11 circuit court for violations of the terms and conditions of
12 the sentence of probation, conditional discharge, or
13 supervision, subject to the provisions of Section 5-720 of
14 this Act.

15 (Source: P.A. 91-98, eff. 1-1-00; 92-282, eff. 8-7-01;
16 92-454, eff. 1-1-02; 92-651, eff. 7-11-02.)

17 Section 15. The Sexually Dangerous Persons Act is
18 amended by changing Section 8 as follows:

19 (725 ILCS 205/8) (from Ch. 38, par. 105-8)

20 Sec. 8. If the respondent is found to be a sexually
21 dangerous person then the court shall appoint the Director of
22 Corrections guardian of the person found to be sexually
23 dangerous and such person shall stand committed to the
24 custody of such guardian. The Director of Corrections as
25 guardian shall keep safely the person so committed until the
26 person has recovered and is released as hereinafter provided.
27 The Director of Corrections as guardian shall provide care
28 and treatment for the person committed to him designed to
29 effect recovery. Any treatment provided under this Section
30 shall be in conformance with the standards promulgated by the
31 Sex Offender Management Board and conducted by a treatment
32 provider approved by the Board. The Director may place that

1 ward in any facility in the Department of Corrections or
2 portion thereof set aside for the care and treatment of
3 sexually dangerous persons. The Department of Corrections may
4 also request another state Department or Agency to examine
5 such person and upon such request, such Department or Agency
6 shall make such examination and the Department of Corrections
7 may, with the consent of the chief executive officer of such
8 other Department or Agency, thereupon place such person in
9 the care and treatment of such other Department or Agency.

10 (Source: P.A. 92-786, eff. 8-6-02.)

11 Section 20. The Sexually Violent Persons Commitment Act
12 is amended by changing Sections 10, 25, 30, 40, 55, 60, and
13 65 as follows:

14 (725 ILCS 207/10)

15 Sec. 10. Notice to the Attorney General and State's
16 Attorney.

17 (a) In this Act, "agency with jurisdiction" means the
18 agency with the authority or duty to release or discharge the
19 person.

20 (b) If an agency with jurisdiction has control or
21 custody over a person who may meet the criteria for
22 commitment as a sexually violent person, the agency with
23 jurisdiction shall inform the Attorney General and the
24 State's Attorney in a position to file a petition under
25 paragraph (a)(2) of Section 15 of this Act regarding the
26 person as soon as possible beginning 3 months prior to the
27 applicable date of the following:

28 (1) The anticipated release from imprisonment or
29 the anticipated entry into mandatory supervised release
30 of a person who has been convicted of a sexually violent
31 offense.

32 (2) The anticipated release from a Department of

1 Corrections correctional facility or juvenile
2 correctional facility of a person adjudicated delinquent
3 under Section 5-20 of the Juvenile Court Act of 1987 (now
4 repealed) or found guilty under Section 5-620 of that
5 Act, on the basis of a sexually violent offense.

6 (3) The discharge or conditional release of a
7 person who has been found not guilty of a sexually
8 violent offense by reason of insanity under Section 5-2-4
9 of the Unified Code of Corrections.

10 (c) The agency with jurisdiction shall provide the
11 Attorney General and the State's Attorney with all of the
12 following:

13 (1) The person's name, identifying factors,
14 anticipated future residence and offense history;

15 (2) A comprehensive evaluation of the person's
16 mental condition, the basis upon which a determination
17 has been made that the person is subject to commitment
18 under subsection (b) of Section 15 of this Act and a
19 recommendation for action in furtherance of the purposes
20 of this Act. The evaluation shall be conducted in
21 conformance with the standards developed under the Sex
22 Offender Management Board Act and by an evaluator
23 approved by the Board; and

24 (3) If applicable, documentation of any treatment
25 and the person's adjustment to any institutional
26 placement.

27 (d) Any agency or officer, employee or agent of an
28 agency is immune from criminal or civil liability for any
29 acts or omissions as the result of a good faith effort to
30 comply with this Section.

31 (Source: P.A. 90-40, eff. 1-1-98; 90-793, eff. 8-14-98;
32 91-357, eff. 7-29-99.)

1 Sec. 25. Rights of persons subject to petition.

2 (a) Any person who is the subject of a petition filed
3 under Section 15 of this Act shall be served with a copy of
4 the petition in accordance with the Civil Practice Law.

5 (b) The circuit court in which a petition under Section
6 15 of this Act is filed shall conduct all hearings under this
7 Act. The court shall give the person who is the subject of
8 the petition reasonable notice of the time and place of each
9 such hearing. The court may designate additional persons to
10 receive these notices.

11 (c) Except as provided in paragraph (b)(1) of Section 65
12 and Section 70 of this Act, at any hearing conducted under
13 this Act, the person who is the subject of the petition has
14 the right to:

15 (1) To be present and to be represented by counsel.
16 If the person is indigent, the court shall appoint
17 counsel.

18 (2) Remain silent.

19 (3) Present and cross-examine witnesses.

20 (4) Have the hearing recorded by a court reporter.

21 (d) The person who is the subject of the petition, the
22 person's attorney, the Attorney General or the State's
23 Attorney may request that a trial under Section 35 of this
24 Act be to a jury. A verdict of a jury under this Act is not
25 valid unless it is unanimous.

26 (e) Whenever the person who is the subject of the
27 petition is required to submit to an examination under this
28 Act, he or she may retain experts or professional persons to
29 perform an examination. The respondent's chosen evaluator
30 must be approved by the Sex Offender Management Board and the
31 evaluation must be conducted in conformance with the
32 standards developed under the Sex Offender Management Board
33 Act. If the person retains a qualified expert or
34 professional person of his or her own choice to conduct an

1 examination, the examiner shall have reasonable access to the
2 person for the purpose of the examination, as well as to the
3 person's past and present treatment records and patient
4 health care records. If the person is indigent, the court
5 shall, upon the person's request, appoint a qualified and
6 available expert or professional person to perform an
7 examination. Upon the order of the circuit court, the county
8 shall pay, as part of the costs of the action, the costs of a
9 court-appointed expert or professional person to perform an
10 examination and participate in the trial on behalf of an
11 indigent person.

12 (Source: P.A. 90-40, eff. 1-1-98.)

13 (725 ILCS 207/30)

14 Sec. 30. Detention; probable cause hearing; transfer for
15 examination.

16 (a) Upon the filing of a petition under Section 15 of
17 this Act, the court shall review the petition to determine
18 whether to issue an order for detention of the person who is
19 the subject of the petition. The person shall be detained
20 only if there is cause to believe that the person is eligible
21 for commitment under subsection (f) of Section 35 of this
22 Act. A person detained under this Section shall be held in a
23 facility approved by the Department. If the person is
24 serving a sentence of imprisonment, is in a Department of
25 Corrections correctional facility or juvenile correctional
26 facility or is committed to institutional care, and the court
27 orders detention under this Section, the court shall order
28 that the person be transferred to a detention facility
29 approved by the Department. A detention order under this
30 Section remains in effect until the person is discharged
31 after a trial under Section 35 of this Act or until the
32 effective date of a commitment order under Section 40 of this
33 Act, whichever is applicable.

1 (b) Whenever a petition is filed under Section 15 of
2 this Act, the court shall hold a hearing to determine whether
3 there is probable cause to believe that the person named in
4 the petition is a sexually violent person. If the person
5 named in the petition is in custody, the court shall hold the
6 probable cause hearing within 72 hours after the petition is
7 filed, excluding Saturdays, Sundays and legal holidays. The
8 court may grant a continuance of the probable cause hearing
9 for no more than 7 additional days upon the motion of the
10 respondent, for good cause. If the person named in the
11 petition has been released, is on parole, is on mandatory
12 supervised release, or otherwise is not in custody, the court
13 shall hold the probable cause hearing within a reasonable
14 time after the filing of the petition. At the probable cause
15 hearing, the court shall admit and consider all relevant
16 hearsay evidence.

17 (c) If the court determines after a hearing that there
18 is probable cause to believe that the person named in the
19 petition is a sexually violent person, the court shall order
20 that the person be taken into custody if he or she is not in
21 custody and shall order the person to be transferred within a
22 reasonable time to an appropriate facility for an evaluation
23 as to whether the person is a sexually violent person. If the
24 person who is named in the petition refuses to speak to,
25 communicate with, or otherwise fails to cooperate with the
26 examining evaluator from the Department of Human Services or
27 the Department of Corrections, that person may only introduce
28 evidence and testimony from any expert or professional person
29 who is retained or court-appointed to conduct an examination
30 of the person that results from a review of the records and
31 may not introduce evidence resulting from an examination of
32 the person. Any evaluation conducted under this Section shall
33 be by an evaluator approved by the Sex Offender Management
34 Board and conducted in conformance with the standards

1 developed under the Sex Offender Management Board Act.

2 Notwithstanding the provisions of Section 10 of the Mental
3 Health and Developmental Disabilities Confidentiality Act,
4 all evaluations conducted pursuant to this Act and all
5 Illinois Department of Corrections treatment records shall be
6 admissible at all proceedings held pursuant to this Act,
7 including the probable cause hearing and the trial.

8 If the court determines that probable cause does not
9 exist to believe that the person is a sexually violent
10 person, the court shall dismiss the petition.

11 (d) The Department shall promulgate rules that provide
12 the qualifications for persons conducting evaluations under
13 subsection (c) of this Section.

14 (e) If the person named in the petition claims or
15 appears to be indigent, the court shall, prior to the
16 probable cause hearing under subsection (b) of this Section,
17 appoint counsel.

18 (Source: P.A. 92-415, eff. 8-17-01.)

19 (725 ILCS 207/40)

20 Sec. 40. Commitment.

21 (a) If a court or jury determines that the person who is
22 the subject of a petition under Section 15 of this Act is a
23 sexually violent person, the court shall order the person to
24 be committed to the custody of the Department for control,
25 care and treatment until such time as the person is no longer
26 a sexually violent person.

27 (b) (1) The court shall enter an initial commitment
28 order under this Section pursuant to a hearing held as
29 soon as practicable after the judgment is entered that
30 the person who is the subject of a petition under Section
31 15 is a sexually violent person. If the court lacks
32 sufficient information to make the determination required
33 by paragraph (b)(2) of this Section immediately after

1 trial, it may adjourn the hearing and order the
2 Department to conduct a predisposition investigation or a
3 supplementary mental examination, or both, to assist the
4 court in framing the commitment order. A supplementary
5 mental examination under this Section shall be conducted
6 in accordance with Section 3-804 of the Mental Health and
7 Developmental Disabilities Code.

8 (2) An order for commitment under this Section
9 shall specify either institutional care in a secure
10 facility, as provided under Section 50 of this Act, or
11 conditional release. In determining whether commitment
12 shall be for institutional care in a secure facility or
13 for conditional release, the court shall consider the
14 nature and circumstances of the behavior that was the
15 basis of the allegation in the petition under paragraph
16 (b)(1) of Section 15, the person's mental history and
17 present mental condition, where the person will live, how
18 the person will support himself or herself, and what
19 arrangements are available to ensure that the person has
20 access to and will participate in necessary treatment.
21 All treatment, whether in institutional care, in a secure
22 facility, or while on conditional release, shall be
23 conducted in conformance with the standards developed
24 under the Sex Offender Management Board Act and conducted
25 by a treatment provider approved by the Board. The
26 Department shall arrange for control, care and treatment
27 of the person in the least restrictive manner consistent
28 with the requirements of the person and in accordance
29 with the court's commitment order.

30 (3) If the court finds that the person is
31 appropriate for conditional release, the court shall
32 notify the Department. The Department shall prepare a
33 plan that identifies the treatment and services, if any,
34 that the person will receive in the community. The plan

1 shall address the person's need, if any, for supervision,
2 counseling, medication, community support services,
3 residential services, vocational services, and alcohol or
4 other drug abuse treatment. The Department may contract
5 with a county health department, with another public
6 agency or with a private agency to provide the treatment
7 and services identified in the plan. The plan shall
8 specify who will be responsible for providing the
9 treatment and services identified in the plan. The plan
10 shall be presented to the court for its approval within
11 60 days after the court finding that the person is
12 appropriate for conditional release, unless the
13 Department and the person to be released request
14 additional time to develop the plan. The conditional
15 release program operated under this Section is not
16 subject to the provisions of the Mental Health and
17 Developmental Disabilities Confidentiality Act.

18 (4) An order for conditional release places the
19 person in the custody and control of the Department. A
20 person on conditional release is subject to the
21 conditions set by the court and to the rules of the
22 Department. Before a person is placed on conditional
23 release by the court under this Section, the court shall
24 so notify the municipal police department and county
25 sheriff for the municipality and county in which the
26 person will be residing. The notification requirement
27 under this Section does not apply if a municipal police
28 department or county sheriff submits to the court a
29 written statement waiving the right to be notified. If
30 the Department alleges that a released person has
31 violated any condition or rule, or that the safety of
32 others requires that conditional release be revoked, he
33 or she may be taken into custody under the rules of the
34 Department.

1 At any time during which the person is on
2 conditional release, if the Department determines that
3 the person has violated any condition or rule, or that
4 the safety of others requires that conditional release be
5 revoked, the Department may request the Attorney General
6 or State's Attorney to request the court to issue an
7 emergency ex parte order directing any law enforcement
8 officer to take the person into custody and transport the
9 person to the county jail. The Department may request, or
10 the Attorney General or State's Attorney may request
11 independently of the Department, that a petition to
12 revoke conditional release be filed. When a petition is
13 filed, the court may order the Department to issue a
14 notice to the person to be present at the Department or
15 other agency designated by the court, order a summons to
16 the person to be present, or order a body attachment for
17 all law enforcement officers to take the person into
18 custody and transport him or her to the county jail,
19 hospital, or treatment facility. The Department shall
20 submit a statement showing probable cause of the
21 detention and a petition to revoke the order for
22 conditional release to the committing court within 48
23 hours after the detention. The court shall hear the
24 petition within 30 days, unless the hearing or time
25 deadline is waived by the detained person. Pending the
26 revocation hearing, the Department may detain the person
27 in a jail, in a hospital or treatment facility. The
28 State has the burden of proving by clear and convincing
29 evidence that any rule or condition of release has been
30 violated, or that the safety of others requires that the
31 conditional release be revoked. If the court determines
32 after hearing that any rule or condition of release has
33 been violated, or that the safety of others requires that
34 conditional release be revoked, it may revoke the order

1 for conditional release and order that the released
2 person be placed in an appropriate institution until the
3 person is discharged from the commitment under Section 65
4 of this Act or until again placed on conditional release
5 under Section 60 of this Act.

6 (5) An order for conditional release places the
7 person in the custody, care, and control of the
8 Department. The court shall order the person be subject
9 to the following rules of conditional release, in
10 addition to any other conditions ordered, and the person
11 shall be given a certificate setting forth the conditions
12 of conditional release. These conditions shall be that
13 the person:

14 (A) not violate any criminal statute of any
15 jurisdiction;

16 (B) report to or appear in person before such
17 person or agency as directed by the court and the
18 Department;

19 (C) refrain from possession of a firearm or
20 other dangerous weapon;

21 (D) not leave the State without the consent of
22 the court or, in circumstances in which the reason
23 for the absence is of such an emergency nature, that
24 prior consent by the court is not possible without
25 the prior notification and approval of the
26 Department;

27 (E) at the direction of the Department, notify
28 third parties of the risks that may be occasioned by
29 his or her criminal record or sexual offending
30 history or characteristics, and permit the
31 supervising officer or agent to make the
32 notification requirement;

33 (F) attend and fully participate in
34 assessment, treatment, and behavior monitoring

1 including, but not limited to, medical,
2 psychological or psychiatric treatment specific to
3 sexual offending, drug addiction, or alcoholism, to
4 the extent appropriate to the person based upon the
5 recommendation and findings made in the Department
6 evaluation or based upon any subsequent
7 recommendations by the Department;

8 (G) waive confidentiality allowing the court
9 and Department access to assessment or treatment
10 results or both;

11 (H) work regularly at a Department approved
12 occupation or pursue a course of study or vocational
13 training and notify the Department within 72 hours
14 of any change in employment, study, or training;

15 (I) not be employed or participate in any
16 volunteer activity that involves contact with
17 children, except under circumstances approved in
18 advance and in writing by the Department officer;

19 (J) submit to the search of his or her person,
20 residence, vehicle, or any personal or real property
21 under his or her control at any time by the
22 Department;

23 (K) financially support his or her dependents
24 and provide the Department access to any requested
25 financial information;

26 (L) serve a term of home confinement, the
27 conditions of which shall be that the person:

28 (i) remain within the interior premises
29 of the place designated for his or her
30 confinement during the hours designated by the
31 Department;

32 (ii) admit any person or agent designated
33 by the Department into the offender's place of
34 confinement at any time for purposes of

1 verifying the person's compliance with the
2 condition of his or her confinement;

3 (iii) if deemed necessary by the
4 Department, be placed on an electronic
5 monitoring device;

6 (M) comply with the terms and conditions of an
7 order of protection issued by the court pursuant to
8 the Illinois Domestic Violence Act of 1986. A copy
9 of the order of protection shall be transmitted to
10 the Department by the clerk of the court;

11 (N) refrain from entering into a designated
12 geographic area except upon terms the Department
13 finds appropriate. The terms may include
14 consideration of the purpose of the entry, the time
15 of day, others accompanying the person, and advance
16 approval by the Department;

17 (O) refrain from having any contact, including
18 written or oral communications, directly or
19 indirectly, with certain specified persons
20 including, but not limited to, the victim or the
21 victim's family, and report any incidental contact
22 with the victim or the victim's family to the
23 Department within 72 hours; refrain from entering
24 onto the premises of, traveling past, or loitering
25 near the victim's residence, place of employment, or
26 other places frequented by the victim;

27 (P) refrain from having any contact, including
28 written or oral communications, directly or
29 indirectly, with particular types of persons,
30 including but not limited to members of street
31 gangs, drug users, drug dealers, or prostitutes;

32 (Q) refrain from all contact, direct or
33 indirect, personally, by telephone, letter, or
34 through another person, with minor children without

1 prior identification and approval of the Department;

2 (R) refrain from having in his or her body the
3 presence of alcohol or any illicit drug prohibited
4 by the Cannabis Control Act or the Illinois
5 Controlled Substances Act, unless prescribed by a
6 physician, and submit samples of his or her breath,
7 saliva, blood, or urine for tests to determine the
8 presence of alcohol or any illicit drug;

9 (S) not establish a dating, intimate, or
10 sexual relationship with a person without prior
11 written notification to the Department;

12 (T) neither possess or have under his or her
13 control any material that is pornographic, sexually
14 oriented, or sexually stimulating, or that depicts
15 or alludes to sexual activity or depicts minors
16 under the age of 18, including but not limited to
17 visual, auditory, telephonic, electronic media, or
18 any matter obtained through access to any computer
19 or material linked to computer access use;

20 (U) not patronize any business providing
21 sexually stimulating or sexually oriented
22 entertainment nor utilize "900" or adult telephone
23 numbers or any other sex-related telephone numbers;

24 (V) not reside near, visit, or be in or about
25 parks, schools, day care centers, swimming pools,
26 beaches, theaters, or any other places where minor
27 children congregate without advance approval of the
28 Department and report any incidental contact with
29 minor children to the Department within 72 hours;

30 (W) not establish any living arrangement or
31 residence without prior approval of the Department;

32 (X) not publish any materials or print any
33 advertisements without providing a copy of the
34 proposed publications to the Department officer and

1 obtaining permission prior to publication;

2 (Y) not leave the county except with prior
3 permission of the Department and provide the
4 Department officer or agent with written travel
5 routes to and from work and any other designated
6 destinations;

7 (Z) not possess or have under his or her
8 control certain specified items of contraband
9 related to the incidence of sexually offending items
10 including video or still camera items or children's
11 toys;

12 (AA) provide a written daily log of activities
13 as directed by the Department;

14 (BB) comply with all other special conditions
15 that the Department may impose that restrict the
16 person from high-risk situations and limit access or
17 potential victims.

18 (6) A person placed on conditional release and who
19 during the term undergoes mandatory drug or alcohol
20 testing or is assigned to be placed on an approved
21 electronic monitoring device may be ordered to pay all
22 costs incidental to the mandatory drug or alcohol testing
23 and all costs incidental to the approved electronic
24 monitoring in accordance with the person's ability to pay
25 those costs. The Department may establish reasonable
26 fees for the cost of maintenance, testing, and incidental
27 expenses related to the mandatory drug or alcohol testing
28 and all costs incidental to approved electronic
29 monitoring.

30 (Source: P.A. 91-875, eff. 6-30-00; 92-415, eff. 8-17-01.)

31 (725 ILCS 207/55)

32 Sec. 55. Periodic reexamination; report.

33 (a) If a person has been committed under Section 40 of

1 this Act and has not been discharged under Section 65 of this
2 Act, the Department shall conduct an examination of his or
3 her mental condition within 6 months after an initial
4 commitment under Section 40 and then at least once every 12
5 months from the completion of the last evaluation for the
6 purpose of determining whether the person has made sufficient
7 progress to be conditionally released or discharged. At the
8 time of a reexamination under this Section, the person who
9 has been committed may retain or, if he or she is indigent
10 and so requests, the court may appoint a qualified expert or
11 a professional person to examine him or her.

12 (b) Any examiner conducting an examination under this
13 Section shall prepare a written report of the examination no
14 later than 30 days after the date of the examination. The
15 examiner shall place a copy of the report in the person's
16 health care records and shall provide a copy of the report to
17 the court that committed the person under Section 40. The
18 examination shall be conducted in conformance with the
19 standards developed under the Sex Offender Management Board
20 Act and by an evaluator approved by the Board.

21 (c) Notwithstanding subsection (a) of this Section, the
22 court that committed a person under Section 40 may order a
23 reexamination of the person at any time during the period in
24 which the person is subject to the commitment order.

25 (d) Petitions for discharge after reexamination must
26 follow the procedure outlined in Section 65 of this Act.

27 (Source: P.A. 90-40, eff. 1-1-98; 90-793, eff. 8-14-98;
28 91-227, eff. 1-1-00; 91-875, eff. 6-30-00.)

29 (725 ILCS 207/60)

30 Sec. 60. Petition for conditional release.

31 (a) Any person who is committed for institutional care
32 in a secure facility or other facility under Section 40 of
33 this Act may petition the committing court to modify its

1 order by authorizing conditional release if at least 6 months
2 have elapsed since the initial commitment order was entered,
3 the most recent release petition was denied or the most
4 recent order for conditional release was revoked. The
5 director of the facility at which the person is placed may
6 file a petition under this Section on the person's behalf at
7 any time.

8 (b) If the person files a timely petition without
9 counsel, the court shall serve a copy of the petition on the
10 Attorney General or State's Attorney, whichever is applicable
11 and, subject to paragraph (c)(1) of Section 25 of this Act,
12 appoint counsel. If the person petitions through counsel,
13 his or her attorney shall serve the Attorney General or
14 State's Attorney, whichever is applicable.

15 (c) Within 20 days after receipt of the petition, the
16 court shall appoint one or more examiners having the
17 specialized knowledge determined by the court to be
18 appropriate, who shall examine the mental condition of the
19 person and furnish a written report of the examination to the
20 court within 30 days after appointment. The examiners shall
21 have reasonable access to the person for purposes of
22 examination and to the person's past and present treatment
23 records and patient health care records. If any such
24 examiner believes that the person is appropriate for
25 conditional release, the examiner shall report on the type of
26 treatment and services that the person may need while in the
27 community on conditional release. The State has the right to
28 have the person evaluated by experts chosen by the State. Any
29 examination or evaluation conducted under this Section shall
30 be in conformance with the standards developed under the Sex
31 Offender Management Board Act and conducted by an evaluator
32 approved by the Board. The court shall set a probable cause
33 hearing as soon as practical after the examiner's report is
34 filed. If the court determines at the probable cause hearing

1 that cause exists to believe that it is not substantially
2 probable that the person will engage in acts of sexual
3 violence if on release or conditional release, the court
4 shall set a hearing on the issue.

5 (d) The court, without a jury, shall hear the petition
6 within 30 days after the report of the court-appointed
7 examiner is filed with the court, unless the petitioner
8 waives this time limit. The court shall grant the petition
9 unless the State proves by clear and convincing evidence that
10 the person has not made sufficient progress to be
11 conditionally released. In making a decision under this
12 subsection, the court must consider the nature and
13 circumstances of the behavior that was the basis of the
14 allegation in the petition under paragraph (b)(1) of Section
15 15 of this Act, the person's mental history and present
16 mental condition, where the person will live, how the person
17 will support himself or herself and what arrangements are
18 available to ensure that the person has access to and will
19 participate in necessary treatment.

20 (e) Before the court may enter an order directing
21 conditional release to a less restrictive alternative it must
22 find the following: (1) the person will be treated by a
23 Department approved treatment provider, (2) the treatment
24 provider has presented a specific course of treatment and has
25 agreed to assume responsibility for the treatment and will
26 report progress to the Department on a regular basis, and
27 will report violations immediately to the Department,
28 consistent with treatment and supervision needs of the
29 respondent, (3) housing exists that is sufficiently secure to
30 protect the community, and the person or agency providing
31 housing to the conditionally released person has agreed in
32 writing to accept the person, to provide the level of
33 security required by the court, and immediately to report to
34 the Department if the person leaves the housing to which he

1 or she has been assigned without authorization, (4) the
2 person is willing to or has agreed to comply with the
3 treatment provider, the Department, and the court, and (5)
4 the person has agreed or is willing to agree to comply with
5 the behavioral monitoring requirements imposed by the court
6 and the Department.

7 (f) If the court finds that the person is appropriate
8 for conditional release, the court shall notify the
9 Department. The Department shall prepare a plan that
10 identifies the treatment and services, if any, that the
11 person will receive in the community. The plan shall address
12 the person's need, if any, for supervision, counseling,
13 medication, community support services, residential services,
14 vocational services, and alcohol or other drug abuse
15 treatment. The Department may contract with a county health
16 department, with another public agency or with a private
17 agency to provide the treatment and services identified in
18 the plan. The plan shall specify who will be responsible for
19 providing the treatment and services identified in the plan.
20 The plan shall be presented to the court for its approval
21 within 60 days after the court finding that the person is
22 appropriate for conditional release, unless the Department
23 and the person to be released request additional time to
24 develop the plan.

25 (g) The provisions of paragraph (b)(4) of Section 40 of
26 this Act apply to an order for conditional release issued
27 under this Section.

28 (Source: P.A. 91-875, eff. 6-30-00; 92-415, eff. 8-17-01.)

29 (725 ILCS 207/65)

30 Sec. 65. Petition for discharge; procedure.

31 (a)(1) If the Secretary determines at any time that a
32 person committed under this Act is no longer a sexually
33 violent person, the Secretary shall authorize the person to

1 petition the committing court for discharge. The person
2 shall file the petition with the court and serve a copy upon
3 the Attorney General or the State's Attorney's office that
4 filed the petition under subsection (a) of Section 15 of this
5 Act, whichever is applicable. The court, upon receipt of the
6 petition for discharge, shall order a hearing to be held
7 within 45 days after the date of receipt of the petition.

8 (2) At a hearing under this subsection, the Attorney
9 General or State's Attorney, whichever filed the original
10 petition, shall represent the State and shall have the right
11 to have the petitioner examined by an expert or professional
12 person of his or her choice. The examination shall be
13 conducted in conformance with the standards developed under
14 the Sex Offender Management Board Act and by an evaluator
15 approved by the Board. The committed person or the State may
16 elect to have the hearing before a jury. The State has the
17 burden of proving by clear and convincing evidence that the
18 petitioner is still a sexually violent person.

19 (3) If the court or jury is satisfied that the State has
20 not met its burden of proof under paragraph (a)(2) of this
21 Section, the petitioner shall be discharged from the custody
22 or supervision of the Department. If the court is satisfied
23 that the State has met its burden of proof under paragraph
24 (a)(2), the court may proceed under Section 40 of this Act to
25 determine whether to modify the petitioner's existing
26 commitment order.

27 (b)(1) A person may petition the committing court for
28 discharge from custody or supervision without the Secretary's
29 approval. At the time of an examination under subsection (a)
30 of Section 55 of this Act, the Secretary shall provide the
31 committed person with a written notice of the person's right
32 to petition the court for discharge over the Secretary's
33 objection. The notice shall contain a waiver of rights. The
34 Secretary shall forward the notice and waiver form to the

1 court with the report of the Department's examination under
2 Section 55 of this Act. If the person does not affirmatively
3 waive the right to petition, the court shall set a probable
4 cause hearing to determine whether facts exist that warrant a
5 hearing on whether the person is still a sexually violent
6 person. If a person does not file a petition for discharge,
7 yet fails to waive the right to petition under this Section,
8 then the probable cause hearing consists only of a review of
9 the reexamination reports and arguments on behalf of the
10 parties. The committed person has a right to have an attorney
11 represent him or her at the probable cause hearing, but the
12 person is not entitled to be present at the probable cause
13 hearing. The probable cause hearing under this Section must
14 be held within 45 days of the filing of the reexamination
15 report under Section 55 of this Act.

16 (2) If the court determines at the probable cause
17 hearing under paragraph (b)(1) of this Section that probable
18 cause exists to believe that the committed person is no
19 longer a sexually violent person, then the court shall set a
20 hearing on the issue. At a hearing under this Section, the
21 committed person is entitled to be present and to the benefit
22 of the protections afforded to the person under Section 25 of
23 this Act. The committed person or the State may elect to have
24 a hearing under this Section before a jury. A verdict of a
25 jury under this Section is not valid unless it is unanimous.
26 The Attorney General or State's Attorney, whichever filed the
27 original petition, shall represent the State at a hearing
28 under this Section. The State has the right to have the
29 committed person evaluated by experts chosen by the State.
30 The examination shall be conducted in conformance with the
31 standards developed under the Sex Offender Management Board
32 Act and by an evaluator approved by the Board. At the
33 hearing, the State has the burden of proving by clear and
34 convincing evidence that the committed person is still a

1 sexually violent person.

2 (3) If the court or jury is satisfied that the State has
3 not met its burden of proof under paragraph (b)(2) of this
4 Section, the person shall be discharged from the custody or
5 supervision of the Department. If the court or jury is
6 satisfied that the State has met its burden of proof under
7 paragraph (b)(2) of this Section, the court may proceed under
8 Section 40 of this Act to determine whether to modify the
9 person's existing commitment order.

10 (Source: P.A. 91-227, eff. 1-1-00; 92-415, eff. 8-17-01.)

11 Section 20. The Unified Code of Corrections is amended
12 by changing Sections 3-3-7, 3-6-2, 3-9-7, 5-3-1, 5-3-2,
13 5-4-1, 5-6-3, and 5-7-1 as follows:

14 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

15 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
16 Release.

17 (a) The conditions of parole or mandatory supervised
18 release shall be such as the Prisoner Review Board deems
19 necessary to assist the subject in leading a law-abiding
20 life. The conditions of every parole and mandatory supervised
21 release are that the subject:

22 (1) not violate any criminal statute of any
23 jurisdiction during the parole or release term;

24 (2) refrain from possessing a firearm or other
25 dangerous weapon;

26 (3) report to an agent of the Department of
27 Corrections;

28 (4) permit the agent to visit him or her at his or
29 her home, employment, or elsewhere to the extent
30 necessary for the agent to discharge his or her duties;

31 (5) attend or reside in a facility established for
32 the instruction or residence of persons on parole or

1 mandatory supervised release;

2 (6) secure permission before visiting or writing a
3 committed person in an Illinois Department of Corrections
4 facility;

5 (7) report all arrests to an agent of the
6 Department of Corrections as soon as permitted by the
7 arresting authority but in no event later than 24 hours
8 after release from custody;

9 (7.5) if convicted of a sex offense as defined in
10 the Sex Offender Management Board Act, the individual
11 shall undergo and successfully complete sex offender
12 treatment conducted in conformance with the standards
13 developed by the Sex Offender Management Board Act by a
14 treatment provider approved by the Board;

15 (8) obtain permission of an agent of the Department
16 of Corrections before leaving the State of Illinois;

17 (9) obtain permission of an agent of the Department
18 of Corrections before changing his or her residence or
19 employment;

20 (10) consent to a search of his or her person,
21 property, or residence under his or her control;

22 (11) refrain from the use or possession of
23 narcotics or other controlled substances in any form, or
24 both, or any paraphernalia related to those substances
25 and submit to a urinalysis test as instructed by a parole
26 agent of the Department of Corrections;

27 (12) not frequent places where controlled
28 substances are illegally sold, used, distributed, or
29 administered;

30 (13) not knowingly associate with other persons on
31 parole or mandatory supervised release without prior
32 written permission of his or her parole agent and not
33 associate with persons who are members of an organized
34 gang as that term is defined in the Illinois Streetgang

1 Terrorism Omnibus Prevention Act;

2 (14) provide true and accurate information, as it
3 relates to his or her adjustment in the community while
4 on parole or mandatory supervised release or to his or
5 her conduct while incarcerated, in response to inquiries
6 by his or her parole agent or of the Department of
7 Corrections; and

8 (15) follow any specific instructions provided by
9 the parole agent that are consistent with furthering
10 conditions set and approved by the Prisoner Review Board
11 or by law, exclusive of placement on electronic
12 detention, to achieve the goals and objectives of his or
13 her parole or mandatory supervised release or to protect
14 the public. These instructions by the parole agent may be
15 modified at any time, as the agent deems appropriate.

16 (b) The Board may in addition to other conditions
17 require that the subject:

18 (1) work or pursue a course of study or vocational
19 training;

20 (2) undergo medical or psychiatric treatment, or
21 treatment for drug addiction or alcoholism;

22 (3) attend or reside in a facility established for
23 the instruction or residence of persons on probation or
24 parole;

25 (4) support his dependents;

26 (5) (blank);

27 (6) (blank);

28 (7) comply with the terms and conditions of an
29 order of protection issued pursuant to the Illinois
30 Domestic Violence Act of 1986, enacted by the 84th
31 General Assembly, or an order of protection issued by the
32 court of another state, tribe, or United States
33 territory; and

34 (8) in addition, if a minor:

1 (i) reside with his parents or in a foster
2 home;

3 (ii) attend school;

4 (iii) attend a non-residential program for
5 youth; or

6 (iv) contribute to his own support at home or
7 in a foster home.

8 (c) The conditions under which the parole or mandatory
9 supervised release is to be served shall be communicated to
10 the person in writing prior to his release, and he shall sign
11 the same before release. A signed copy of these conditions,
12 including a copy of an order of protection where one had been
13 issued by the criminal court, shall be retained by the person
14 and another copy forwarded to the officer in charge of his
15 supervision.

16 (d) After a hearing under Section 3-3-9, the Prisoner
17 Review Board may modify or enlarge the conditions of parole
18 or mandatory supervised release.

19 (e) The Department shall inform all offenders committed
20 to the Department of the optional services available to them
21 upon release and shall assist inmates in availing themselves
22 of such optional services upon their release on a voluntary
23 basis.

24 (Source: P.A. 91-903, eff. 1-1-01; 92-460, eff. 1-1-02.)

25 (730 ILCS 5/3-6-2) (from Ch. 38, par. 1003-6-2)

26 Sec. 3-6-2. Institutions and Facility Administration.

27 (a) Each institution and facility of the Department
28 shall be administered by a chief administrative officer
29 appointed by the Director. A chief administrative officer
30 shall be responsible for all persons assigned to the
31 institution or facility. The chief administrative officer
32 shall administer the programs of the Department for the
33 custody and treatment of such persons.

1 (b) The chief administrative officer shall have such
2 assistants as the Department may assign.

3 (c) The Director or Assistant Director shall have the
4 emergency powers to temporarily transfer individuals without
5 formal procedures to any State, county, municipal or regional
6 correctional or detention institution or facility in the
7 State, subject to the acceptance of such receiving
8 institution or facility, or to designate any reasonably
9 secure place in the State as such an institution or facility
10 and to make transfers thereto. However, transfers made under
11 emergency powers shall be reviewed as soon as practicable
12 under Article 8, and shall be subject to Section 5-905 of the
13 Juvenile Court Act of 1987. This Section shall not apply to
14 transfers to the Department of Human Services which are
15 provided for under Section 3-8-5 or Section 3-10-5.

16 (d) The Department shall provide educational programs
17 for all committed persons so that all persons have an
18 opportunity to attain the achievement level equivalent to the
19 completion of the twelfth grade in the public school system
20 in this State. Other higher levels of attainment shall be
21 encouraged and professional instruction shall be maintained
22 wherever possible. The Department may establish programs of
23 mandatory education and may establish rules and regulations
24 for the administration of such programs. A person committed
25 to the Department who, during the period of his or her
26 incarceration, participates in an educational program
27 provided by or through the Department and through that
28 program is awarded or earns the number of hours of credit
29 required for the award of an associate, baccalaureate, or
30 higher degree from a community college, college, or
31 university located in Illinois shall reimburse the State,
32 through the Department, for the costs incurred by the State
33 in providing that person during his or her incarceration with
34 the education that qualifies him or her for the award of that

1 degree. The costs for which reimbursement is required under
2 this subsection shall be determined and computed by the
3 Department under rules and regulations that it shall
4 establish for that purpose. However, interest at the rate of
5 6% per annum shall be charged on the balance of those costs
6 from time to time remaining unpaid, from the date of the
7 person's parole, mandatory supervised release, or release
8 constituting a final termination of his or her commitment to
9 the Department until paid.

10 (e) A person committed to the Department who becomes in
11 need of medical or surgical treatment but is incapable of
12 giving consent thereto shall receive such medical or surgical
13 treatment by the chief administrative officer consenting on
14 the person's behalf. Before the chief administrative officer
15 consents, he or she shall obtain the advice of one or more
16 physicians licensed to practice medicine in all its branches
17 in this State. If such physician or physicians advise:

18 (1) that immediate medical or surgical treatment is
19 required relative to a condition threatening to cause
20 death, damage or impairment to bodily functions, or
21 disfigurement; and

22 (2) that the person is not capable of giving
23 consent to such treatment; the chief administrative
24 officer may give consent for such medical or surgical
25 treatment, and such consent shall be deemed to be the
26 consent of the person for all purposes, including, but
27 not limited to, the authority of a physician to give such
28 treatment.

29 (f) In the event that the person requires medical care
30 and treatment at a place other than the institution or
31 facility, the person may be removed therefrom under
32 conditions prescribed by the Department. The Department shall
33 require the committed person receiving medical or dental
34 services on a non-emergency basis to pay a \$2 co-payment to

1 the Department for each visit for medical or dental services.
2 The amount of each co-payment shall be deducted from the
3 committed person's individual account. A committed person who
4 has a chronic illness, as defined by Department rules and
5 regulations, shall be exempt from the \$2 co-payment for
6 treatment of the chronic illness. A committed person shall
7 not be subject to a \$2 co-payment for follow-up visits
8 ordered by a physician, who is employed by, or contracts
9 with, the Department. A committed person who is indigent is
10 exempt from the \$2 co-payment and is entitled to receive
11 medical or dental services on the same basis as a committed
12 person who is financially able to afford the co-payment.
13 Notwithstanding any other provision in this subsection (f) to
14 the contrary, any person committed to any facility operated
15 by the Juvenile Division, as set forth in subsection (b) of
16 Section 3-2-5 of this Code, is exempt from the co-payment
17 requirement for the duration of confinement in those
18 facilities.

19 (g) Any person having sole custody of a child at the
20 time of commitment or any woman giving birth to a child after
21 her commitment, may arrange through the Department of
22 Children and Family Services for suitable placement of the
23 child outside of the Department of Corrections. The Director
24 of the Department of Corrections may determine that there are
25 special reasons why the child should continue in the custody
26 of the mother until the child is 6 years old.

27 (h) The Department may provide Family Responsibility
28 Services which may consist of, but not be limited to the
29 following:

- 30 (1) family advocacy counseling;
- 31 (2) parent self-help group;
- 32 (3) parenting skills training;
- 33 (4) parent and child overnight program;
- 34 (5) parent and child reunification counseling,

1 either separately or together, preceding the inmate's
2 release; and

3 (6) a prerelease reunification staffing involving
4 the family advocate, the inmate and the child's
5 counselor, or both and the inmate.

6 (i) Prior to the release of any inmate who has a
7 documented history of intravenous drug use, and upon the
8 receipt of that inmate's written informed consent, the
9 Department shall provide for the testing of such inmate for
10 infection with human immunodeficiency virus (HIV) and any
11 other identified causative agent of acquired immunodeficiency
12 syndrome (AIDS). The testing provided under this subsection
13 shall consist of an enzyme-linked immunosorbent assay (ELISA)
14 test or such other test as may be approved by the Illinois
15 Department of Public Health. If the test result is positive,
16 the Western Blot Assay or more reliable confirmatory test
17 shall be administered. All inmates tested in accordance with
18 the provisions of this subsection shall be provided with
19 pre-test and post-test counseling. Notwithstanding any
20 provision of this subsection to the contrary, the Department
21 shall not be required to conduct the testing and counseling
22 required by this subsection unless sufficient funds to cover
23 all costs of such testing and counseling are appropriated for
24 that purpose by the General Assembly.

25 (j) Any person convicted of a sex offense as defined in
26 the Sex Offender Management Board Act shall be required to
27 receive a sex offender evaluation prior to release into the
28 community from the Department of Corrections. The sex
29 offender evaluation shall be conducted in conformance with
30 the standards and guidelines developed under the Sex Offender
31 Management Board Act and by an evaluator approved by the
32 Board.

33 (k) Any minor committed to the Department of
34 Corrections-Juvenile Division for a sex offense as defined by

1 the Sex Offender Management Board Act shall be required to
2 undergo sex offender treatment by a treatment provider
3 approved by the Board and conducted in conformance with the
4 Sex Offender Management Board Act.

5 (Source: P.A. 91-912, eff. 7-7-00; 92-292, eff. 8-9-01.)

6 (730 ILCS 5/3-9-7) (from Ch. 38, par. 1003-9-7)

7 Sec. 3-9-7. Sexual abuse counseling programs.

8 (a) The Juvenile Division shall establish and offer
9 sexual abuse counseling to both victims of sexual abuse and
10 sexual offenders in as many facilities as necessary to insure
11 sexual abuse counseling throughout the State.

12 (b) Any minor committed to the Department of
13 Corrections-Juvenile Division for a sex offense as defined
14 under the Sex Offender Management Board Act shall be required
15 to undergo sex offender treatment by a treatment provider
16 approved by the Board and conducted in conformance with the
17 standards developed by the Sex Offender Management Board Act.

18 (Source: P.A. 87-444.)

19 (730 ILCS 5/5-3-1) (from Ch. 38, par. 1005-3-1)

20 Sec. 5-3-1. Presentence Investigation. A defendant shall
21 not be sentenced for a felony before a written presentence
22 report of investigation is presented to and considered by the
23 court.

24 However, in cases other than felony sex offenses as
25 defined in the Sex Offender Management Board Act, the court
26 need not order a presentence report of investigation where
27 both parties agree to the imposition of a specific sentence,
28 provided there is a finding made for the record as to the
29 defendant's history of delinquency or criminality, including
30 any previous sentence to a term of probation, periodic
31 imprisonment, conditional discharge, or imprisonment.

32 The court may order a presentence investigation of any

1 defendant.

2 (Source: P.A. 80-1099.)

3 (730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)

4 Sec. 5-3-2. Presentence Report.

5 (a) In felony cases, the presentence report shall set
6 forth:

7 (1) the defendant's history of delinquency or
8 criminality, physical and mental history and condition,
9 family situation and background, economic status,
10 education, occupation and personal habits;

11 (2) information about special resources within the
12 community which might be available to assist the
13 defendant's rehabilitation, including treatment centers,
14 residential facilities, vocational training services,
15 correctional manpower programs, employment opportunities,
16 special educational programs, alcohol and drug abuse
17 programming, psychiatric and marriage counseling, and
18 other programs and facilities which could aid the
19 defendant's successful reintegration into society;

20 (3) the effect the offense committed has had upon
21 the victim or victims thereof, and any compensatory
22 benefit that various sentencing alternatives would confer
23 on such victim or victims;

24 (4) information concerning the defendant's status
25 since arrest, including his record if released on his own
26 recognizance, or the defendant's achievement record if
27 released on a conditional pre-trial supervision program;

28 (5) when appropriate, a plan, based upon the
29 personal, economic and social adjustment needs of the
30 defendant, utilizing public and private community
31 resources as an alternative to institutional sentencing;

32 (6) any other matters that the investigatory
33 officer deems relevant or the court directs to be

1 included; and

2 (7) information concerning defendant's eligibility
3 for a sentence to a county impact incarceration program
4 under Section 5-8-1.2 of this Code.

5 (b) The investigation shall include a physical and
6 mental examination of the defendant when so ordered by the
7 court. If the court determines that such an examination
8 should be made, it shall issue an order that the defendant
9 submit to examination at such time and place as designated by
10 the court and that such examination be conducted by a
11 physician, psychologist or psychiatrist designated by the
12 court. Such an examination may be conducted in a court
13 clinic if so ordered by the court. The cost of such
14 examination shall be paid by the county in which the trial is
15 held.

16 (b-5) In cases involving felony sex offenses or any
17 felony offense that is sexually motivated as defined in the
18 Sex Offender Management Board Act, the investigation shall
19 include a sex offender evaluation by an evaluator approved by
20 the Board and conducted in conformance with the standards
21 developed under the Sex Offender Management Board Act.

22 (c) In misdemeanor, business offense or petty offense
23 cases, except as specified in subsection (d) of this Section,
24 when a presentence report has been ordered by the court, such
25 presentence report shall contain information on the
26 defendant's history of delinquency or criminality and shall
27 further contain only those matters listed in any of
28 paragraphs (1) through (6) of subsection (a) or in subsection
29 (b) of this Section as are specified by the court in its
30 order for the report.

31 (d) In cases under Section 12-15 and Section 12-30 of
32 the Criminal Code of 1961, as amended, the presentence report
33 shall set forth information about alcohol, drug abuse,
34 psychiatric, and marriage counseling or other treatment

1 programs and facilities, information on the defendant's
2 history of delinquency or criminality, and shall contain
3 those additional matters listed in any of paragraphs (1)
4 through (6) of subsection (a) or in subsection (b) of this
5 Section as are specified by the court.

6 (e) Nothing in this Section shall cause the defendant to
7 be held without bail or to have his bail revoked for the
8 purpose of preparing the presentence report or making an
9 examination.

10 (Source: P.A. 89-587, eff. 7-31-96.)

11 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

12 Sec. 5-4-1. Sentencing Hearing.

13 (a) Except when the death penalty is sought under
14 hearing procedures otherwise specified, after a determination
15 of guilt, a hearing shall be held to impose the sentence.
16 However, prior to the imposition of sentence on an individual
17 being sentenced for an offense based upon a charge for a
18 violation of Section 11-501 of the Illinois Vehicle Code or a
19 similar provision of a local ordinance, the individual must
20 undergo a professional evaluation to determine if an alcohol
21 or other drug abuse problem exists and the extent of such a
22 problem. Programs conducting these evaluations shall be
23 licensed by the Department of Human Services. However, if
24 the individual is not a resident of Illinois, the court may,
25 in its discretion, accept an evaluation from a program in the
26 state of such individual's residence. The court may in its
27 sentencing order approve an eligible defendant for placement
28 in a Department of Corrections impact incarceration program
29 as provided in Section 5-8-1.1 or 5-8-1.3. At the hearing
30 the court shall:

31 (1) consider the evidence, if any, received upon
32 the trial;

33 (2) consider any presentence reports;

1 (3) consider the financial impact of incarceration
2 based on the financial impact statement filed with the
3 clerk of the court by the Department of Corrections;

4 (4) consider evidence and information offered by
5 the parties in aggravation and mitigation;

6 (5) hear arguments as to sentencing alternatives;

7 (6) afford the defendant the opportunity to make a
8 statement in his own behalf;

9 (7) afford the victim of a violent crime or a
10 violation of Section 11-501 of the Illinois Vehicle Code,
11 or a similar provision of a local ordinance, or a
12 qualified individual affected by a violation of Section
13 405, 405.1, 405.2, or 407 of the Illinois Controlled
14 Substances Act, committed by the defendant the
15 opportunity to make a statement concerning the impact on
16 the victim and to offer evidence in aggravation or
17 mitigation; provided that the statement and evidence
18 offered in aggravation or mitigation must first be
19 prepared in writing in conjunction with the State's
20 Attorney before it may be presented orally at the
21 hearing. Any sworn testimony offered by the victim is
22 subject to the defendant's right to cross-examine. All
23 statements and evidence offered under this paragraph (7)
24 shall become part of the record of the court. For the
25 purpose of this paragraph (7), "qualified individual"
26 means any person who (i) lived or worked within the
27 territorial jurisdiction where the offense took place
28 when the offense took place; and (ii) is familiar with
29 various public places within the territorial jurisdiction
30 where the offense took place when the offense took place.
31 For the purposes of this paragraph (7), "qualified
32 individual" includes any peace officer, or any member of
33 any duly organized State, county, or municipal peace unit
34 assigned to the territorial jurisdiction where the

1 offense took place when the offense took place; and

2 (8) in cases of reckless homicide afford the
3 victim's spouse, guardians, parents or other immediate
4 family members an opportunity to make oral statements;
5 and-

6 (9) in cases involving a sex offense as defined
7 under the Sex Offender Management Board Act, consider the
8 results of the sex offender evaluation conducted pursuant
9 to Section 5-3-2 of this Act.

10 (b) All sentences shall be imposed by the judge based
11 upon his independent assessment of the elements specified
12 above and any agreement as to sentence reached by the
13 parties. The judge who presided at the trial or the judge
14 who accepted the plea of guilty shall impose the sentence
15 unless he is no longer sitting as a judge in that court.
16 Where the judge does not impose sentence at the same time on
17 all defendants who are convicted as a result of being
18 involved in the same offense, the defendant or the State's
19 Attorney may advise the sentencing court of the disposition
20 of any other defendants who have been sentenced.

21 (c) In imposing a sentence for a violent crime or for an
22 offense of operating or being in physical control of a
23 vehicle while under the influence of alcohol, any other drug
24 or any combination thereof, or a similar provision of a local
25 ordinance, when such offense resulted in the personal injury
26 to someone other than the defendant, the trial judge shall
27 specify on the record the particular evidence, information,
28 factors in mitigation and aggravation or other reasons that
29 led to his sentencing determination. The full verbatim record
30 of the sentencing hearing shall be filed with the clerk of
31 the court and shall be a public record.

32 (c-1) In imposing a sentence for the offense of
33 aggravated kidnapping for ransom, home invasion, armed
34 robbery, aggravated vehicular hijacking, aggravated discharge

1 of a firearm, or armed violence with a category I weapon or
2 category II weapon, the trial judge shall make a finding as
3 to whether the conduct leading to conviction for the offense
4 resulted in great bodily harm to a victim, and shall enter
5 that finding and the basis for that finding in the record.

6 (c-2) If the defendant is sentenced to prison, other
7 than when a sentence of natural life imprisonment or a
8 sentence of death is imposed, at the time the sentence is
9 imposed the judge shall state on the record in open court the
10 approximate period of time the defendant will serve in
11 custody according to the then current statutory rules and
12 regulations for early release found in Section 3-6-3 and
13 other related provisions of this Code. This statement is
14 intended solely to inform the public, has no legal effect on
15 the defendant's actual release, and may not be relied on by
16 the defendant on appeal.

17 The judge's statement, to be given after pronouncing the
18 sentence, other than when the sentence is imposed for one of
19 the offenses enumerated in paragraph (a)(3) of Section 3-6-3,
20 shall include the following:

21 "The purpose of this statement is to inform the public of
22 the actual period of time this defendant is likely to spend
23 in prison as a result of this sentence. The actual period of
24 prison time served is determined by the statutes of Illinois
25 as applied to this sentence by the Illinois Department of
26 Corrections and the Illinois Prisoner Review Board. In this
27 case, assuming the defendant receives all of his or her good
28 conduct credit, the period of estimated actual custody is ...
29 years and ... months, less up to 180 days additional good
30 conduct credit for meritorious service. If the defendant,
31 because of his or her own misconduct or failure to comply
32 with the institutional regulations, does not receive those
33 credits, the actual time served in prison will be longer.
34 The defendant may also receive an additional one-half day

1 good conduct credit for each day of participation in
2 vocational, industry, substance abuse, and educational
3 programs as provided for by Illinois statute."

4 When the sentence is imposed for one of the offenses
5 enumerated in paragraph (a)(3) of Section 3-6-3, other than
6 when the sentence is imposed for one of the offenses
7 enumerated in paragraph (a)(2) of Section 3-6-3 committed on
8 or after June 19, 1998, and other than when the sentence is
9 imposed for reckless homicide as defined in subsection (e) of
10 Section 9-3 of the Criminal Code of 1961 if the offense was
11 committed on or after January 1, 1999, and other than when
12 the sentence is imposed for aggravated arson if the offense
13 was committed on or after the effective date of this
14 amendatory Act of the 92nd General Assembly, the judge's
15 statement, to be given after pronouncing the sentence, shall
16 include the following:

17 "The purpose of this statement is to inform the public of
18 the actual period of time this defendant is likely to spend
19 in prison as a result of this sentence. The actual period of
20 prison time served is determined by the statutes of Illinois
21 as applied to this sentence by the Illinois Department of
22 Corrections and the Illinois Prisoner Review Board. In this
23 case, assuming the defendant receives all of his or her good
24 conduct credit, the period of estimated actual custody is ...
25 years and ... months, less up to 90 days additional good
26 conduct credit for meritorious service. If the defendant,
27 because of his or her own misconduct or failure to comply
28 with the institutional regulations, does not receive those
29 credits, the actual time served in prison will be longer.
30 The defendant may also receive an additional one-half day
31 good conduct credit for each day of participation in
32 vocational, industry, substance abuse, and educational
33 programs as provided for by Illinois statute."

34 When the sentence is imposed for one of the offenses

1 enumerated in paragraph (a)(2) of Section 3-6-3, other than
2 first degree murder, and the offense was committed on or
3 after June 19, 1998, and when the sentence is imposed for
4 reckless homicide as defined in subsection (e) of Section 9-3
5 of the Criminal Code of 1961 if the offense was committed on
6 or after January 1, 1999, and when the sentence is imposed
7 for aggravated arson if the offense was committed on or after
8 the effective date of this amendatory Act of the 92nd General
9 Assembly, the judge's statement, to be given after
10 pronouncing the sentence, shall include the following:

11 "The purpose of this statement is to inform the public of
12 the actual period of time this defendant is likely to spend
13 in prison as a result of this sentence. The actual period of
14 prison time served is determined by the statutes of Illinois
15 as applied to this sentence by the Illinois Department of
16 Corrections and the Illinois Prisoner Review Board. In this
17 case, the defendant is entitled to no more than 4 1/2 days of
18 good conduct credit for each month of his or her sentence of
19 imprisonment. Therefore, this defendant will serve at least
20 85% of his or her sentence. Assuming the defendant receives
21 4 1/2 days credit for each month of his or her sentence, the
22 period of estimated actual custody is ... years and ...
23 months. If the defendant, because of his or her own
24 misconduct or failure to comply with the institutional
25 regulations receives lesser credit, the actual time served in
26 prison will be longer."

27 When a sentence of imprisonment is imposed for first
28 degree murder and the offense was committed on or after June
29 19, 1998, the judge's statement, to be given after
30 pronouncing the sentence, shall include the following:

31 "The purpose of this statement is to inform the public of
32 the actual period of time this defendant is likely to spend
33 in prison as a result of this sentence. The actual period of
34 prison time served is determined by the statutes of Illinois

1 as applied to this sentence by the Illinois Department of
2 Corrections and the Illinois Prisoner Review Board. In this
3 case, the defendant is not entitled to good conduct credit.
4 Therefore, this defendant will serve 100% of his or her
5 sentence."

6 (d) When the defendant is committed to the Department of
7 Corrections, the State's Attorney shall and counsel for the
8 defendant may file a statement with the clerk of the court to
9 be transmitted to the department, agency or institution to
10 which the defendant is committed to furnish such department,
11 agency or institution with the facts and circumstances of the
12 offense for which the person was committed together with all
13 other factual information accessible to them in regard to the
14 person prior to his commitment relative to his habits,
15 associates, disposition and reputation and any other facts
16 and circumstances which may aid such department, agency or
17 institution during its custody of such person. The clerk
18 shall within 10 days after receiving any such statements
19 transmit a copy to such department, agency or institution and
20 a copy to the other party, provided, however, that this shall
21 not be cause for delay in conveying the person to the
22 department, agency or institution to which he has been
23 committed.

24 (e) The clerk of the court shall transmit to the
25 department, agency or institution, if any, to which the
26 defendant is committed, the following:

- 27 (1) the sentence imposed;
- 28 (2) any statement by the court of the basis for
29 imposing the sentence;
- 30 (3) any presentence reports;
- 31 (3.5) any sex offender evaluations;
- 32 (4) the number of days, if any, which the defendant
33 has been in custody and for which he is entitled to
34 credit against the sentence, which information shall be

1 provided to the clerk by the sheriff;

2 (4.1) any finding of great bodily harm made by the
3 court with respect to an offense enumerated in subsection
4 (c-1);

5 (5) all statements filed under subsection (d) of
6 this Section;

7 (6) any medical or mental health records or
8 summaries of the defendant;

9 (7) the municipality where the arrest of the
10 offender or the commission of the offense has occurred,
11 where such municipality has a population of more than
12 25,000 persons;

13 (8) all statements made and evidence offered under
14 paragraph (7) of subsection (a) of this Section; and

15 (9) all additional matters which the court directs
16 the clerk to transmit.

17 (Source: P.A. 91-357, eff. 7-29-99; 91-899, eff. 1-1-01;
18 92-176, eff. 7-27-01; 92-806, eff. 1-1-03; revised 9-18-02.)

19 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

20 Sec. 5-6-3. Conditions of Probation and of Conditional
21 Discharge.

22 (a) The conditions of probation and of conditional
23 discharge shall be that the person:

24 (1) not violate any criminal statute of any
25 jurisdiction;

26 (2) report to or appear in person before such
27 person or agency as directed by the court;

28 (3) refrain from possessing a firearm or other
29 dangerous weapon;

30 (4) not leave the State without the consent of the
31 court or, in circumstances in which the reason for the
32 absence is of such an emergency nature that prior consent
33 by the court is not possible, without the prior

1 notification and approval of the person's probation
2 officer. Transfer of a person's probation or conditional
3 discharge supervision to another state is subject to
4 acceptance by the other state pursuant to the Interstate
5 Compact for Adult Offender Supervision;

6 (5) permit the probation officer to visit him at
7 his home or elsewhere to the extent necessary to
8 discharge his duties;

9 (6) perform no less than 30 hours of community
10 service and not more than 120 hours of community service,
11 if community service is available in the jurisdiction and
12 is funded and approved by the county board where the
13 offense was committed, where the offense was related to
14 or in furtherance of the criminal activities of an
15 organized gang and was motivated by the offender's
16 membership in or allegiance to an organized gang. The
17 community service shall include, but not be limited to,
18 the cleanup and repair of any damage caused by a
19 violation of Section 21-1.3 of the Criminal Code of 1961
20 and similar damage to property located within the
21 municipality or county in which the violation occurred.
22 When possible and reasonable, the community service
23 should be performed in the offender's neighborhood. For
24 purposes of this Section, "organized gang" has the
25 meaning ascribed to it in Section 10 of the Illinois
26 Streetgang Terrorism Omnibus Prevention Act;

27 (7) if he or she is at least 17 years of age and
28 has been sentenced to probation or conditional discharge
29 for a misdemeanor or felony in a county of 3,000,000 or
30 more inhabitants and has not been previously convicted of
31 a misdemeanor or felony, may be required by the
32 sentencing court to attend educational courses designed
33 to prepare the defendant for a high school diploma and to
34 work toward a high school diploma or to work toward

1 passing the high school level Test of General Educational
2 Development (GED) or to work toward completing a
3 vocational training program approved by the court. The
4 person on probation or conditional discharge must attend
5 a public institution of education to obtain the
6 educational or vocational training required by this
7 clause (7). The court shall revoke the probation or
8 conditional discharge of a person who wilfully fails to
9 comply with this clause (7). The person on probation or
10 conditional discharge shall be required to pay for the
11 cost of the educational courses or GED test, if a fee is
12 charged for those courses or test. The court shall
13 resentence the offender whose probation or conditional
14 discharge has been revoked as provided in Section 5-6-4.
15 This clause (7) does not apply to a person who has a
16 high school diploma or has successfully passed the GED
17 test. This clause (7) does not apply to a person who is
18 determined by the court to be developmentally disabled or
19 otherwise mentally incapable of completing the
20 educational or vocational program;

21 (8) if convicted of possession of a substance
22 prohibited by the Cannabis Control Act or Illinois
23 Controlled Substances Act after a previous conviction or
24 disposition of supervision for possession of a substance
25 prohibited by the Cannabis Control Act or Illinois
26 Controlled Substances Act or after a sentence of
27 probation under Section 10 of the Cannabis Control Act or
28 Section 410 of the Illinois Controlled Substances Act and
29 upon a finding by the court that the person is addicted,
30 undergo treatment at a substance abuse program approved
31 by the court; and

32 (8.5) if convicted of a sex offense as defined in
33 the Sex Offender Management Board Act, the person shall
34 undergo and successfully complete sex offender treatment

1 by a treatment provider approved by the Board and
2 conducted in conformance with the standards developed
3 under the Sex Offender Management Board Act; and

4 (9) if convicted of a felony, physically surrender
5 at a time and place designated by the court, his or her
6 Firearm Owner's Identification Card and any and all
7 firearms in his or her possession.

8 (b) The Court may in addition to other reasonable
9 conditions relating to the nature of the offense or the
10 rehabilitation of the defendant as determined for each
11 defendant in the proper discretion of the Court require that
12 the person:

13 (1) serve a term of periodic imprisonment under
14 Article 7 for a period not to exceed that specified in
15 paragraph (d) of Section 5-7-1;

16 (2) pay a fine and costs;

17 (3) work or pursue a course of study or vocational
18 training;

19 (4) undergo medical, psychological or psychiatric
20 treatment; or treatment for drug addiction or alcoholism;

21 (5) attend or reside in a facility established for
22 the instruction or residence of defendants on probation;

23 (6) support his dependents;

24 (7) and in addition, if a minor:

25 (i) reside with his parents or in a foster
26 home;

27 (ii) attend school;

28 (iii) attend a non-residential program for
29 youth;

30 (iv) contribute to his own support at home or
31 in a foster home;

32 (v) with the consent of the superintendent of
33 the facility, attend an educational program at a
34 facility other than the school in which the offense

1 was committed if he or she is convicted of a crime
2 of violence as defined in Section 2 of the Crime
3 Victims Compensation Act committed in a school, on
4 the real property comprising a school, or within
5 1,000 feet of the real property comprising a school;

6 (8) make restitution as provided in Section 5-5-6
7 of this Code;

8 (9) perform some reasonable public or community
9 service;

10 (10) serve a term of home confinement. In addition
11 to any other applicable condition of probation or
12 conditional discharge, the conditions of home confinement
13 shall be that the offender:

14 (i) remain within the interior premises of the
15 place designated for his confinement during the
16 hours designated by the court;

17 (ii) admit any person or agent designated by
18 the court into the offender's place of confinement
19 at any time for purposes of verifying the offender's
20 compliance with the conditions of his confinement;
21 and

22 (iii) if further deemed necessary by the court
23 or the Probation or Court Services Department, be
24 placed on an approved electronic monitoring device,
25 subject to Article 8A of Chapter V;

26 (iv) for persons convicted of any alcohol,
27 cannabis or controlled substance violation who are
28 placed on an approved monitoring device as a
29 condition of probation or conditional discharge, the
30 court shall impose a reasonable fee for each day of
31 the use of the device, as established by the county
32 board in subsection (g) of this Section, unless
33 after determining the inability of the offender to
34 pay the fee, the court assesses a lesser fee or no

1 fee as the case may be. This fee shall be imposed in
2 addition to the fees imposed under subsections
3 (g) and (i) of this Section. The fee shall be
4 collected by the clerk of the circuit court. The
5 clerk of the circuit court shall pay all monies
6 collected from this fee to the county treasurer for
7 deposit in the substance abuse services fund under
8 Section 5-1086.1 of the Counties Code; and

9 (v) for persons convicted of offenses other
10 than those referenced in clause (iv) above and who
11 are placed on an approved monitoring device as a
12 condition of probation or conditional discharge, the
13 court shall impose a reasonable fee for each day of
14 the use of the device, as established by the county
15 board in subsection (g) of this Section, unless
16 after determining the inability of the defendant to
17 pay the fee, the court assesses a lesser fee or no
18 fee as the case may be. This fee shall be imposed
19 in addition to the fees imposed under subsections
20 (g) and (i) of this Section. The fee shall be
21 collected by the clerk of the circuit court. The
22 clerk of the circuit court shall pay all monies
23 collected from this fee to the county treasurer who
24 shall use the monies collected to defray the costs
25 of corrections. The county treasurer shall deposit
26 the fee collected in the county working cash fund
27 under Section 6-27001 or Section 6-29002 of the
28 Counties Code, as the case may be.

29 (11) comply with the terms and conditions of an
30 order of protection issued by the court pursuant to the
31 Illinois Domestic Violence Act of 1986, as now or
32 hereafter amended, or an order of protection issued by
33 the court of another state, tribe, or United States
34 territory. A copy of the order of protection shall be

1 transmitted to the probation officer or agency having
2 responsibility for the case;

3 (12) reimburse any "local anti-crime program" as
4 defined in Section 7 of the Anti-Crime Advisory Council
5 Act for any reasonable expenses incurred by the program
6 on the offender's case, not to exceed the maximum amount
7 of the fine authorized for the offense for which the
8 defendant was sentenced;

9 (13) contribute a reasonable sum of money, not to
10 exceed the maximum amount of the fine authorized for the
11 offense for which the defendant was sentenced, to a
12 "local anti-crime program", as defined in Section 7 of
13 the Anti-Crime Advisory Council Act;

14 (14) refrain from entering into a designated
15 geographic area except upon such terms as the court finds
16 appropriate. Such terms may include consideration of the
17 purpose of the entry, the time of day, other persons
18 accompanying the defendant, and advance approval by a
19 probation officer, if the defendant has been placed on
20 probation or advance approval by the court, if the
21 defendant was placed on conditional discharge;

22 (15) refrain from having any contact, directly or
23 indirectly, with certain specified persons or particular
24 types of persons, including but not limited to members of
25 street gangs and drug users or dealers;

26 (16) refrain from having in his or her body the
27 presence of any illicit drug prohibited by the Cannabis
28 Control Act or the Illinois Controlled Substances Act,
29 unless prescribed by a physician, and submit samples of
30 his or her blood or urine or both for tests to determine
31 the presence of any illicit drug.

32 (c) The court may as a condition of probation or of
33 conditional discharge require that a person under 18 years of
34 age found guilty of any alcohol, cannabis or controlled

1 substance violation, refrain from acquiring a driver's
2 license during the period of probation or conditional
3 discharge. If such person is in possession of a permit or
4 license, the court may require that the minor refrain from
5 driving or operating any motor vehicle during the period of
6 probation or conditional discharge, except as may be
7 necessary in the course of the minor's lawful employment.

8 (d) An offender sentenced to probation or to conditional
9 discharge shall be given a certificate setting forth the
10 conditions thereof.

11 (e) Except where the offender has committed a fourth or
12 subsequent violation of subsection (c) of Section 6-303 of
13 the Illinois Vehicle Code, the court shall not require as a
14 condition of the sentence of probation or conditional
15 discharge that the offender be committed to a period of
16 imprisonment in excess of 6 months. This 6 month limit shall
17 not include periods of confinement given pursuant to a
18 sentence of county impact incarceration under Section
19 5-8-1.2. This 6 month limit does not apply to a person
20 sentenced to probation as a result of a conviction of a
21 fourth or subsequent violation of subsection (c-4) of Section
22 11-501 of the Illinois Vehicle Code or a similar provision of
23 a local ordinance.

24 Persons committed to imprisonment as a condition of
25 probation or conditional discharge shall not be committed to
26 the Department of Corrections.

27 (f) The court may combine a sentence of periodic
28 imprisonment under Article 7 or a sentence to a county impact
29 incarceration program under Article 8 with a sentence of
30 probation or conditional discharge.

31 (g) An offender sentenced to probation or to conditional
32 discharge and who during the term of either undergoes
33 mandatory drug or alcohol testing, or both, or is assigned to
34 be placed on an approved electronic monitoring device, shall

1 be ordered to pay all costs incidental to such mandatory drug
2 or alcohol testing, or both, and all costs incidental to such
3 approved electronic monitoring in accordance with the
4 defendant's ability to pay those costs. The county board
5 with the concurrence of the Chief Judge of the judicial
6 circuit in which the county is located shall establish
7 reasonable fees for the cost of maintenance, testing, and
8 incidental expenses related to the mandatory drug or alcohol
9 testing, or both, and all costs incidental to approved
10 electronic monitoring, involved in a successful probation
11 program for the county. The concurrence of the Chief Judge
12 shall be in the form of an administrative order. The fees
13 shall be collected by the clerk of the circuit court. The
14 clerk of the circuit court shall pay all moneys collected
15 from these fees to the county treasurer who shall use the
16 moneys collected to defray the costs of drug testing, alcohol
17 testing, and electronic monitoring. The county treasurer
18 shall deposit the fees collected in the county working cash
19 fund under Section 6-27001 or Section 6-29002 of the Counties
20 Code, as the case may be.

21 (h) Jurisdiction over an offender may be transferred
22 from the sentencing court to the court of another circuit
23 with the concurrence of both courts. Further transfers or
24 retransfers of jurisdiction are also authorized in the same
25 manner. The court to which jurisdiction has been transferred
26 shall have the same powers as the sentencing court.

27 (i) The court shall impose upon an offender sentenced to
28 probation after January 1, 1989 or to conditional discharge
29 after January 1, 1992, as a condition of such probation or
30 conditional discharge, a fee of \$25 for each month of
31 probation or conditional discharge supervision ordered by the
32 court, unless after determining the inability of the person
33 sentenced to probation or conditional discharge to pay the
34 fee, the court assesses a lesser fee. The court may not

1 impose the fee on a minor who is made a ward of the State
2 under the Juvenile Court Act of 1987 while the minor is in
3 placement. The fee shall be imposed only upon an offender who
4 is actively supervised by the probation and court services
5 department. The fee shall be collected by the clerk of the
6 circuit court. The clerk of the circuit court shall pay all
7 monies collected from this fee to the county treasurer for
8 deposit in the probation and court services fund under
9 Section 15.1 of the Probation and Probation Officers Act.

10 (j) All fines and costs imposed under this Section for
11 any violation of Chapters 3, 4, 6, and 11 of the Illinois
12 Vehicle Code, or a similar provision of a local ordinance,
13 and any violation of the Child Passenger Protection Act, or a
14 similar provision of a local ordinance, shall be collected
15 and disbursed by the circuit clerk as provided under Section
16 27.5 of the Clerks of Courts Act.

17 (Source: P.A. 91-325, eff. 7-29-99; 91-696, eff. 4-13-00;
18 91-903, eff. 1-1-01; 92-282, eff. 8-7-01; 92-340, eff.
19 8-10-01; 92-418, eff. 8-17-01; 92-442, eff. 8-17-01; 92-571,
20 eff. 6-26-02; 92-651, eff. 7-11-02.)

21 (730 ILCS 5/5-7-1) (from Ch. 38, par. 1005-7-1)
22 Sec. 5-7-1. Sentence of Periodic Imprisonment.

23 (a) A sentence of periodic imprisonment is a sentence of
24 imprisonment during which the committed person may be
25 released for periods of time during the day or night or for
26 periods of days, or both, or if convicted of a felony, other
27 than first degree murder, a Class X or Class 1 felony,
28 committed to any county, municipal, or regional correctional
29 or detention institution or facility in this State for such
30 periods of time as the court may direct. Unless the court
31 orders otherwise, the particular times and conditions of
32 release shall be determined by the Department of Corrections,
33 the sheriff, or the Superintendent of the house of

1 corrections, who is administering the program.

2 (b) A sentence of periodic imprisonment may be imposed
3 to permit the defendant to:

4 (1) seek employment;

5 (2) work;

6 (3) conduct a business or other self-employed
7 occupation including housekeeping;

8 (4) attend to family needs;

9 (5) attend an educational institution, including
10 vocational education;

11 (6) obtain medical or psychological treatment;

12 (7) perform work duties at a county, municipal, or
13 regional correctional or detention institution or
14 facility;

15 (8) continue to reside at home with or without
16 supervision involving the use of an approved electronic
17 monitoring device, subject to Article 8A of Chapter V; or

18 (9) for any other purpose determined by the court.

19 (c) Except where prohibited by other provisions of this
20 Code, the court may impose a sentence of periodic
21 imprisonment for a felony or misdemeanor on a person who is
22 17 years of age or older. The court shall not impose a
23 sentence of periodic imprisonment if it imposes a sentence of
24 imprisonment upon the defendant in excess of 90 days.

25 (d) A sentence of periodic imprisonment shall be for a
26 definite term of from 3 to 4 years for a Class 1 felony, 18
27 to 30 months for a Class 2 felony, and up to 18 months, or
28 the longest sentence of imprisonment that could be imposed
29 for the offense, whichever is less, for all other offenses;
30 however, no person shall be sentenced to a term of periodic
31 imprisonment longer than one year if he is committed to a
32 county correctional institution or facility, and in
33 conjunction with that sentence participate in a county work
34 release program comparable to the work and day release

1 program provided for in Article 13 of the Unified Code of
2 Corrections in State facilities. The term of the sentence
3 shall be calculated upon the basis of the duration of its
4 term rather than upon the basis of the actual days spent in
5 confinement. No sentence of periodic imprisonment shall be
6 subject to the good time credit provisions of Section 3-6-3
7 of this Code.

8 (e) When the court imposes a sentence of periodic
9 imprisonment, it shall state:

10 (1) the term of such sentence;

11 (2) the days or parts of days which the defendant
12 is to be confined;

13 (3) the conditions.

14 (f) The court may issue an order of protection pursuant
15 to the Illinois Domestic Violence Act of 1986 as a condition
16 of a sentence of periodic imprisonment. The Illinois Domestic
17 Violence Act of 1986 shall govern the issuance, enforcement
18 and recording of orders of protection issued under this
19 Section. A copy of the order of protection shall be
20 transmitted to the person or agency having responsibility for
21 the case.

22 (f-5) An offender sentenced to a term of periodic
23 imprisonment for a sex offense as defined in the Sex Offender
24 Management Board Act shall be required to undergo and
25 successfully complete sex offender treatment by a treatment
26 provider approved by the Board and conducted in conformance
27 with the standards developed under the Sex Offender
28 Management Board Act.

29 (g) An offender sentenced to periodic imprisonment who
30 undergoes mandatory drug or alcohol testing, or both, or is
31 assigned to be placed on an approved electronic monitoring
32 device, shall be ordered to pay the costs incidental to such
33 mandatory drug or alcohol testing, or both, and costs
34 incidental to such approved electronic monitoring in

1 accordance with the defendant's ability to pay those costs.
2 The county board with the concurrence of the Chief Judge of
3 the judicial circuit in which the county is located shall
4 establish reasonable fees for the cost of maintenance,
5 testing, and incidental expenses related to the mandatory
6 drug or alcohol testing, or both, and all costs incidental to
7 approved electronic monitoring, of all offenders with a
8 sentence of periodic imprisonment. The concurrence of the
9 Chief Judge shall be in the form of an administrative order.
10 The fees shall be collected by the clerk of the circuit
11 court. The clerk of the circuit court shall pay all moneys
12 collected from these fees to the county treasurer who shall
13 use the moneys collected to defray the costs of drug
14 testing, alcohol testing, and electronic monitoring. The
15 county treasurer shall deposit the fees collected in the
16 county working cash fund under Section 6-27001 or Section
17 6-29002 of the Counties Code, as the case may be.

18 (h) All fees and costs imposed under this Section for
19 any violation of Chapters 3, 4, 6, and 11 of the Illinois
20 Vehicle Code, or a similar provision of a local ordinance,
21 and any violation of the Child Passenger Protection Act, or a
22 similar provision of a local ordinance, shall be collected
23 and disbursed by the circuit clerk as provided under Section
24 27.5 of the Clerks of Courts Act.

25 (i) A defendant at least 17 years of age who is
26 convicted of a misdemeanor or felony in a county of 3,000,000
27 or more inhabitants and who has not been previously convicted
28 of a misdemeanor or a felony and who is sentenced to a term
29 of periodic imprisonment may as a condition of his or her
30 sentence be required by the court to attend educational
31 courses designed to prepare the defendant for a high school
32 diploma and to work toward receiving a high school diploma or
33 to work toward passing the high school level Test of General
34 Educational Development (GED) or to work toward completing a

1 vocational training program approved by the court. The
2 defendant sentenced to periodic imprisonment must attend a
3 public institution of education to obtain the educational or
4 vocational training required by this subsection (i). The
5 defendant sentenced to a term of periodic imprisonment shall
6 be required to pay for the cost of the educational courses or
7 GED test, if a fee is charged for those courses or test. The
8 court shall revoke the sentence of periodic imprisonment of
9 the defendant who wilfully fails to comply with this
10 subsection (i). The court shall resentence the defendant
11 whose sentence of periodic imprisonment has been revoked as
12 provided in Section 5-7-2. This subsection (i) does not
13 apply to a defendant who has a high school diploma or has
14 successfully passed the GED test. This subsection (i) does
15 not apply to a defendant who is determined by the court to be
16 developmentally disabled or otherwise mentally incapable of
17 completing the educational or vocational program.

18 (Source: P.A. 89-688, eff. 6-1-97; 90-399, eff. 1-1-98;
19 90-655, eff. 7-30-98.)

20 Section 25. The Probation and Probation Officers Act is
21 amended by changing Section 15.1 as follows:

22 (730 ILCS 110/15.1) (from Ch. 38, par. 204-7.1)

23 Sec. 15.1. Probation and Court Services Fund.

24 (a) The county treasurer in each county shall establish
25 a probation and court services fund consisting of fees
26 collected pursuant to subsection (i) of Section 5-6-3 and
27 subsection (i) of Section 5-6-3.1 of the Unified Code of
28 Corrections, subsection (10) of Section 5-615 and subsection
29 (5) of Section 5-715 of the Juvenile Court Act of 1987, and
30 paragraph 14.3 of subsection (b) of Section 110-10 of the
31 Code of Criminal Procedure of 1963. The county treasurer
32 shall disburse monies from the fund only at the direction of

1 the chief judge of the circuit court in such circuit where
2 the county is located. The county treasurer of each county
3 shall, on or before January 10 of each year, submit an annual
4 report to the Supreme Court.

5 (b) Monies in the probation and court services fund
6 shall be appropriated by the county board to be used within
7 the county or jurisdiction where collected in accordance with
8 policies and guidelines approved by the Supreme Court for the
9 costs of operating the probation and court services
10 department or departments; however, monies in the probation
11 and court services fund shall not be used for the payment of
12 salaries of probation and court services personnel.

13 (c) Monies expended from the probation and court
14 services fund shall be used to supplement, not supplant,
15 county appropriations for probation and court services.

16 (d) Interest earned on monies deposited in a probation
17 and court services fund may be used by the county for its
18 ordinary and contingent expenditures.

19 (e) The county board may appropriate moneys from the
20 probation and court services fund, upon the direction of the
21 chief judge, to support programs that are part of the
22 continuum of juvenile delinquency intervention programs which
23 are or may be developed within the county. The grants from
24 the probation and court services fund shall be for no more
25 than one year and may be used for any expenses attributable
26 to the program including administration and oversight of the
27 program by the probation department.

28 (f) The county board may appropriate moneys from the
29 probation and court services fund, upon the direction of the
30 chief judge, to support practices endorsed or required under
31 the Sex Offender Management Board Act, including but not
32 limited to sex offender evaluation, treatment, and monitoring
33 programs that are or may be developed within the county.

34 (Source: P.A. 92-329, eff. 8-9-01.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.

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